

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO ex rel.)	
State Engineer,)	
)	No. 69cv07941-BB/LFG
Plaintiffs,)	
)	RIO CHAMA ADJUDICATION
Vs.)	
)	
ROMAN ARAGON, et al.,)	
)	
Defendants.)	

**CORLINDA H. LUJAN'S UNOPPOSED MOTION FOR EXTENSION OF TIME
TO RESPOND TO MOTION TO SUBSTITUTE PARTIES**

COMES NOW Corlinda H. Lujan, by and through her counsel of record, Taylor & McCaleb, P.A., and hereby respectfully requests that this Court grant an extension of time until June 15, 2012, for her to respond to the Motion to Substitute Parties filed by counsel for Jose Leandro Martinez and Magdalena L. Martinez (the "Martinezes") on March 22, 2012 (Docket No. 10801). In support of her Motion, Mrs. Lujan states as follows:

1. The June 1, 1962, Final Decree in *Chacon v. Chacon*, Rio Arriba County Cause No. 4922, adjudicated water rights to Corlinda H. Lujan and her late husband, José Onesimo Lujan, Jr., on 42.2 acres of land served by Acequia Mesa del Medio.

2. On October 31, 2011, Corlinda H. Lujan filed suit in the First Judicial District Court of the State of New Mexico against Acequia Mesa del Medio (the "Acequia") and certain commissioners and officers of the Acequia. The Martinezes are not parties to that lawsuit.

3. On March 22, 2012, counsel for the Martinezes filed, in this Court, a Motion to Substitute Parties in Section 8 of the Rio Chama Adjudication. Through their motion, the Martinezes assert ownership of water rights associated with 19.5 acres of the 42.2 acres

adjudicated to Corlinda H. Lujan and her late husband in 1962. Mrs. Lujan disputes the Martinezes' assertion of ownership.

4. Based on their assertion of ownership, the Martinezes seek to substitute themselves as "parties" to this federal court adjudication in place of Corlinda H. Lujan concerning the contested portion of the water rights adjudicated to the Lujans back in 1962.

5. Counsel for the Martinezes served the Motion to Substitute Parties on undersigned counsel, who represent Mrs. Lujan in her state court lawsuit against the Acequia. Counsel for the Martinezes did not notify undersigned counsel of his intention to file the Motion to Substitute Parties before he filed it with this Court.

6. Mrs. Lujan's response to the Motion to Substitute Parties is due today, April 9, 2012.

7. It is Mrs. Lujan's position that neither she nor the Martinezes currently are parties to this federal court Rio Chama Adjudication because Section 8 of the Adjudication has never become "active." Also, on information and belief, neither Mrs. Lujan nor any other member of the Acequia has received notice of, or been served with process in, this federal court adjudication. Therefore, Mrs. Lujan may need to challenge this Court's jurisdiction to hear and decide the Motion to Substitute Parties.

8. Before Mrs. Lujan can determine whether grounds exist to challenge this Court's jurisdiction, or whether she must fully respond to the Motion to Substitute Parties, it is necessary for counsel for Mrs. Lujan and counsel for the Martinezes to discuss the status of Section 8 with lead counsel for the State of New Mexico, Ed Newville. However, Mr. Newville is on an extended vacation out of the country and is unavailable until May 29, 2012.

9. Mrs. Lujan therefore respectfully requests an extension of time until June 15, 2012, to confer with counsel and respond to the Motion to Substitute Parties.

10. Today, undersigned counsel provided a copy of this Motion to David Benavides, counsel for the Martinezes, and Arianne Singer, counsel for the State. Mr. Benavides responded that he “take[s] no position” on the Motion.

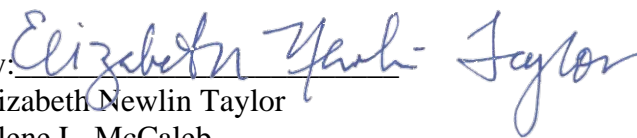
11. Counsel for the State, Arianne Singer, does not object to this Motion

WHEREFORE, for the reasons stated above, Mrs. Lujan respectfully requests that this Court grant her an extension of time to June 15, 2012, to challenge this Court’s jurisdiction or otherwise respond to the Motion to Substitute Parties.

DATED this 9th day of April, 2012.

Respectfully submitted,

TAYLOR & McCALEB, P.A.


By: 
Elizabeth Newlin Taylor
Jolene L. McCaleb
P.O. Box 2540
Corrales, NM 87048-2540
(505) 888-6600
(505) 888-6640 (facsimile)
etaylor@taylormccaleb.com
jmccaleb@taylormccaleb.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 9th day of April, 2012, I filed the foregoing electronically through the CM/ECF system, which caused the parties or counsel reflected on the Notice of Electronic Filing to be served by electronic means, and also served the foregoing by e-mail on counsel for the Martinezes and counsel for the State as follows:

David Benavides, Esq.
New Mexico Legal Aid, Inc.
davidb@nmlegalaid.org
Counsel for the Martinezes

Arianne Singer, Esq.
Office of the State Engineer
arianne.singer@state.nm.us
Counsel for the State of New Mexico


Elizabeth Newlin Taylor